



Testimony of Tim Carey, Law & Policy Staff Attorney and Lisa Geller, State Affairs Manager
The Coalition to Stop Gun Violence

In Support - House Bill 6355: Establishing Extreme Risk Protection Orders in Connecticut
Joint Judiciary Committee
March 5, 2021

Senator Winfield, Representative Stafstrom, ranking members Kissel and Fishbein, and distinguished members of the Judiciary Committee:

We are writing to you in our capacity as members of the state policy and legal teams of the Coalition to Stop Gun Violence in support of House Bill 6355. When the Connecticut legislature passed its risk warrant law back in 1999, it laid the foundation for extreme risk laws that 19 states and the District of Columbia now utilize to protect their constituents from gun violence. With extreme risk laws enjoying broader use over 20 years later, now is an ideal time for Connecticut to update its laws to incorporate the best practices of other jurisdictions. By establishing Extreme Risk Protection Orders (“ERPOs”) and improving the means in which the law can protect the citizens of Connecticut against foreseeable gun violence, HB 6355 is a welcomed improvement to the existing law.

Extreme Risk Laws Prevent Foreseeable Tragedies

It is well documented that easy access to firearms significantly increases risk of both firearm suicide and homicide.^{i,ii} Annually, close to 40,000 Americans die from gun violence, equating to over 100 people every day, and many more are injured.ⁱⁱⁱ

Years of data has shown that extreme risk laws are effective at reducing firearm related injuries and deaths. Research on Connecticut’s extreme risk law found that for every 10-20 orders issued, at least one suicide was prevented.^{iv} A separate study found that the implementation of Connecticut’s extreme risk law was associated with a 13.7% reduction in firearm suicides.^v

In recent years, more research has been conducted about the use of extreme risk laws in other states. For example, the implementation of extreme risk laws in Indiana was considered to prevent one suicide for every 10 firearm removal orders issued.^{vi} Researchers in California found that extreme risk laws may play a role in preventing mass shootings.^{vii} ERPO has also been used to prevent firearm suicides and interpersonal violence in Washington state.^{viii} While more research is needed to understand the impact of extreme risk laws in other states, data suggests that ERPO is effective in preventing self-harm and interpersonal violence.

Extreme Risk Laws Respect Civil Rights

Extreme risk laws, including their ex parte components, do not violate the due process rights of gun owners or those who wish to acquire guns. A short, temporary prohibition on the possession of firearms from an ex parte order places minimal burdens on the subject of the ERPO that are handily outweighed by the valid governmental interest of protecting public health and safety from foreseeable gun violence. ERPOs also include numerous procedural safeguards to protect against the erroneous deprivation of rights.^{ix}

HB 6355 Is a Life-Saving Improvement Over Connecticut's Current Risk Warrant Law

In 2013 and again in 2020, the Consortium for Risk-Based Firearm Policy (“Consortium”), a coalition of the nation’s leading researchers, practitioners, and advocates for gun violence prevention and mental health, outlined the essential elements of effective extreme risk laws.^{x,xi} Though Connecticut’s risk warrant law has already been found to reduce gun deaths in the state, HB 6355 contains one of the Consortium’s recommendations to improve the law. Namely, HB 6355 follows the Consortium’s recommendation of including family members, household members, intimate partners, and medical professionals with law enforcement on the list of potential petitioners for ERPOs.^{xii} By expanding the petitioners list, more individuals with intimate knowledge of the risk one might pose to self or others will be empowered to intervene and avert potential tragedies.

Conclusion

Passing HB 6355 would fill current gaps in Connecticut’s risk warrant law to better prevent gun violence before it occurs. The Coalition to Stop Gun Violence is in full support of HB 6355 and the protections it affords to the people of Connecticut.

Sincere Regards,

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ⁱ A. Anglemeyer et al., *The accessibility of firearms and risk for suicide and homicide victimization among household members: a systematic review and meta-analysis*, Annals of Internal Medicine (2014).

ⁱⁱ L. Dahlberg et al., *Guns in the home and risk of a violent death in the home: Findings from a national study*, American Journal of Epidemiology (2004).

ⁱⁱⁱ Centers for Disease Control and Prevention, National Center for Health Statistics, *Firearm Deaths and Rates per 100,000*, WONDER Online Database, 2015-2019. Available: <http://wonder.cdc.gov/ucd-icd10.html>.

^{iv} J. Swanson et al., *Implementation and effectiveness of Connecticut's risk-based gun removal law: Does it prevent suicides?* Law and Contemporary Problems (2017).

^v A. Kivisto & P. Phalen, *Effects of risk-based firearm seizure laws in Connecticut and Indiana on suicide rates, 1981–2015*, Psychiatric Services (2018).

^{vi} J. Swanson et al., *Criminal justice and suicide outcomes with Indiana's risk-based gun seizure law*, The Journal of the American Academy of Psychiatry and the Law (2019)

^{vii} G. Wintemute et al., *Extreme Risk Protection Orders Intended to Prevent Mass Shootings: A Case Series*, Annals of Internal Medicine (2019).

^{viii} A. Rowhani-Rahbar et al., *Extreme Risk Protection Orders in Washington: A Statewide Descriptive Study*, Annals of Internal Medicine (2020).

^{ix} Education Fund to Stop Gun Violence, *Extreme Risk Laws and Due Process* (2021). Available: <https://efsgv.org/wp-content/uploads/ERPO-and-Due-Process-Factsheet.pdf>

^x Consortium for Risk-Based Firearm Policy, *Guns, Public Health, and Mental Illness: An Evidence-based Approach for State Policy* (2013). Available: <http://efsgv.org/wp-content/uploads/2014/10/Final-State-Report.pdf>.

^{xi} Consortium for Risk-Based Firearm Policy, *Extreme Risk Protection Orders: New Recommendations for Policy and Implementation* (2020). Available: <https://efsgv.org/wp-content/uploads/EFSGV-ConsortiumReport2020-ERPOs.pdf>.

^{xii} *Id.* at 22